

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE A.GOPAL REDDY
and
THE HON'BLE MR JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION NO : 20449 of 2007

DATE:08.10.2007

Between:

Nakka Pandamma

..... PETITIONER

AND

1. The Sub-Inspector of Police, Ainavilli Mandal, East Godavari District, and another.

.....RESPONDENTS

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ORAL ORDER: (per Hon'ble Sri Justice A. Gopal Reddy)

This writ petition is taken up on the basis of the telegram dated 22.09.2007 sent by the mother of Nakka Mohanarao, alleging that Sri Bijilal, the Sub-Inspector of Police, Ainavilli highhandedly took away her son from the house on 20.09.2007 at 4 p.m. and detained him in the police station, and hence apprehending danger to his life. It is also alleged that when she went to the police station and requested the Sub-Inspector of Police to allow her to see her son, he did not allow her to see her son nor providing any food to him.

In response to the notice, the Circle Inspector of Police, Amalapuram, filed counter affidavit stating that the alleged detenu is accused No.1 in Crime No.72 of 2007 for the offence under Section 498-A r/w Section 34 IPC and Sections 3 & 4 of the Dowry Prohibition Act. The above crime was registered by the first respondent on 21.09.2007 on the basis of the complaint given by the wife of the alleged detenu stating that she has been subjected to harassment and ill treatment by her husband and mother-in-law, who is the petitioner herein. During the course of investigation, the first respondent arrested the alleged detenu on 21.09.2007 and the factum of arrest was duly intimated to the father of the alleged detenu under acknowledgement on the same day. Subsequently, the alleged detenu was produced before the Additional Judicial First Class Magistrate, Amalapuram on 22.09.2007. Pursuant to the order passed by the learned Magistrate the alleged detenu was remanded to judicial custody. Initially the alleged detenu was lodged at Sub-Jail, Amalapuram, but later, he was enlarged on regular bail on 26.09.2007 and after completion of investigation, necessary charge

sheet was filed, which was taken up by the Magistrate as C.C.No.368 of 2007 where the petitioner herein is also arrayed as accused No.2.

In view of the fact that the alleged detenu has been arrested and produced before the Magistrate, the allegation that the alleged detenu was illegally detained by the police is not correct.

Accordingly, the Writ Petition is dismissed at the admission stage.

(A. GOPAL REDDY, J.)

(P. SWAROOP REDDY, J.)

8th October, 2007
Js.